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95 S. MARKET STREET, SUITE 420
SAN JOSE, CA 95113TELEPHONE (408) 971-2573
FAX (408) 971-4660RECEIVED
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APR 21 2004

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Date: April 21, 2004	Phone Number	Fax Number
To: Examiner Snapp	(703) 308-1065	(703) 305-7687
From: Kevin J. Zilka		

OFFICIAL

Docket No.: NAIIP002/00.056.01

App. No.: 09/586,550

Total Number of Pages Being Transmitted, Including Cover Sheet: 05

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Please deliver to Examiner Snapp.

Thank you,

Kevin J. Zilka

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Practitioner's Docket No. NAI1P002/00.056.01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of: Benzinger et al.

APR 21 2004

Application No.: 09/586,550

Group No.: 3624

Filed: May 31, 2000

Examiner: Snapp, Sandra

For: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR DYNAMIC SYSTEM
ADAPTATION USING CONTRACTS

OFFICIAL

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 1.191)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed October 22, 2003, finally rejecting claims 1-7, 9, 11-17, 19-23.

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

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37 C.F.R. § 1.10*

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TRANSMISSION

✓ facsimile transmitted to the Patent and Trademark Office, (703) 872-9306.

Date:

4/21/2004

Signature



Erica L. Farlow

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board--page 1 of 2

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Appeal Brief is:

Other than a small entity \$330.00

Notice of Appeal fee due \$330.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$330.00

TOTAL FEE DUE \$330.00

5. FEE PAYMENT

Authorization is hereby made to charge the amount of \$330.00 to Deposit Account No. 50-1351 (Order NAI1P002).

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. NAI1P002).

Reg. No.: 41,429
Tel. No.: 408-971-2573
Customer No.: 28875



Signature of Practitioner

Kevin J. Zilka
Silicon Valley IP Group, PC
P.O. Box 721120
San Jose, CA 95172-1120
USA

Notice of Appeal from the Primary Examiner to Board—page 2 of 2

COPY

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Erica L. Farlow

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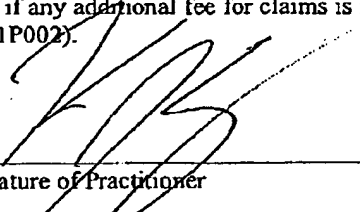
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